

CHAPTER TWO
INSPECTOR CERTIFICATION
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02.05.00 CERTIFICATION PROCEDURES

The certification of persons to inspect vehicles shall be in accordance with the rules and regulations promulgated by the Department.

In accordance with the Texas Transportation Code, the Department of Public Safety may deny an application for certification or revoke or suspend an outstanding certificate of any inspection station or the certificate to inspect vehicles of any person who has been convicted of: (1) a felony or Class A or Class B misdemeanor; (2) a similar crime under the jurisdiction of another state or the federal government that is punishable to the same extent as a felony or Class A or Class B misdemeanor; or (3) a crime under the jurisdiction of another state or federal government that would be a felony or Class A or Class B misdemeanor if the crime were committed in this state.

1. A conviction for a felony or a Class A or Class B misdemeanor will be cause for denial, suspension, or revocation, under this subsection until after the court-imposed punishment or supervision has elapsed. For purposes of this section, a person is convicted of an offense when a court enters against the person an adjudication of guilt, including an order of probation or deferred adjudication.
2. The certification of an inspection station will be subject to denial, revocation, or suspension in the event the owner or inspector is convicted of such an offense. In the event that an inspector or inspector application is convicted of such an offense, that person's certification will be subject to revocation, or suspension, or his application will be subject to denial.
3. Deferred adjudications and orders of probation are considered to be equivalent to convictions until the charges that are the basis for these orders are dismissed or discharged.

As an authorized owner, operator, or inspector of an Official Vehicle Inspection Station, you are responsible to the Department of Public Safety for the proper operation of the Official Vehicle Inspection Station. An owner, operator, or inspector will recognize and acknowledge his responsibility to the public to offer a good, complete, and thorough inspection, according to the rules and regulations.

No person shall perform an inspection, issue an inspection certificate, or issue an identification certificate without such person first having been certified to do so by the Department.

1. Before any person can be certified to inspect vehicles under the Texas Vehicle Inspection Act, they shall attend a special training course conducted by the Texas Department of Public Safety for the purpose of learning the exact methods and procedures to be used in performing inspections.

NOTE: Persons with disabilities should make prior arrangements for reasonable accommodations to be made.

2. The person must make written application and take an examination as to their knowledge of the rules and regulations and the requirements of the law for various types of vehicles.
3. Failure to Qualify on the Examination. Each applicant will be given a minimum of two opportunities to pass an inspector's examination. Applicants will be notified of any failure, shown their mistakes, and given the correct answers to questions missed on the first examination. Applicants who fail their first examination will be given a different examination for the second examination in not less than seven (7) days. Applicants who fail their second examination must wait at least 30 days before taking a subsequent examination.

The Department has determined a certified inspection station and certified vehicle inspector is in a position of trust, performing a service to members of the public where the Transportation Code, Chapter 548, requires the public to report for vehicle inspection. Therefore, the department has determined the following crimes relate directly to the duties and responsibilities of a certified vehicle inspector and/or those for whom this section is applicable as detailed in subsection (b) of this section. Those crimes include:

1. any crime of which fraud is an element,
2. deceptive business practices, deceptive trade practices, or any criminal violation of statutes that protect consumers against unlawful business or trade practices,
3. murder,
4. burglary,
5. robbery,
6. aggravated robbery,

7. aggravated sexual assault,
8. indecency with a child,
9. sexual assault,
10. aggravated assault,
11. any violent crime against a person involving knowledge or purpose,
12. theft,
13. violation of the Texas Controlled Substance Act (Health and Safety Code, 481.112-481.126),
14. driving while intoxicated, and

15. conviction of an offense as detailed in Texas Transportation Code, Chapter 548, 548.601, and 584.603

4. The person must demonstrate their ability to efficiently and correctly operate the various testing devices required in the inspection program. Each must demonstrate to the Department representative checking for certification their knowledge and ability to perform each step correctly and efficiently through the entire inspection procedure.

5. When a person has satisfactorily passed the written examination and demonstrated their ability to operate the testing devices, the statutory fee will be paid which will certify an inspector until August 31 of the even-numbered year following the date of appointment. Thereafter, appointment as inspectors shall be made for two-year periods and the certification fee for each period will be paid. An inspector employed only at a governmental station is exempt from the fee.

6. If a certified inspector changes place of employment, the Department representative must be notified immediately. The inspector may be required to demonstrate their ability to correctly operate the testing equipment at such new inspection station and may be required to take a complete examination. No inspection can be made by this person until such time as they have been approved at the new place of employment by an authorized Department representative.

7. When a person has been certified as an inspector, the Department will issue certification to that person certifying them to inspect vehicles. This certificate is provisional and is conditional upon compliance with the rules and regulations and is subject to renewal.

8. The Department reserves the right to suspend for cause its certification of any inspector, or require attendance at any procedure updating training program at any time, or require reexamination at any time to determine if they have full knowledge of the current official rules and regulations. If the examination discloses the certified inspector is not familiar with new or existing regulations, the inspector will be prohibited from making inspections until able to take a reexamination.

9. No person who is under the age of 18 years will be certified to inspect vehicles.

10. A valid driver's license from their state of residence is required of every person who desires to be certified to inspect vehicles.

NOTE: Any individual possessing a driver license from any state other than Texas and resides in Texas must also possess a valid Texas Identification Card.

NOTE: Any individual possessing a driver license from any other state and does not reside in Texas must have a Department issued TAVIS Identification Card.

11. The certified inspector is responsible for the safeguarding and completion of all inspection certificates and records regarding inspections performed by the inspector.

NOTE: A certified inspector may be authorized to inspect at more than one station. No inspections can be made by this inspector at a new location until such time as the inspector has been approved at that location by an authorized representative of the Department of Public Safety.

02.10.00 CERTIFIED INSPECTORS

10.01 Duties and Responsibilities

1. Will conduct, as promptly as possible, a thorough and efficient inspection of any vehicle for which the station holds an endorsement to inspect. Such inspection must be performed in the manner prescribed by the Department.
2. Will affix an official inspection certificate to an approved vehicle. The certified inspector is placing a "certificate of safety" on that vehicle indicating the vehicle has passed the standards of the Texas Vehicle Inspection Program.
3. Owes a duty to oneself since a life may be jeopardized by errors or carelessness on their part. An inspector owes a duty to their family and to the vehicle owners and operators, for death or serious injury may result if the inspector is indifferent to their duty.
4. Will conduct honest and thorough vehicle identification number certifications and complete the forms only at the official inspection station for vehicles personally inspected in accordance with the rules and regulations contained in this manual.
5. Owes a duty to their employer who has pledged to assist in safeguarding the lives of motorists by ensuring against the operation of unsafe vehicles.
6. Will assume this responsibility and is willing to perform their duty to the very best of their ability and to place safety first and foremost, which is the primary intent of the law.
7. After completing the inspection, the inspector will inform the owner or operator of any equipment that marginally meets inspection requirements. This should include possible future repairs or adjustments which may be necessary to keep the vehicle in safe operating condition.
8. See that required equipment on the vehicle is of an acceptable type, is properly adjusted, and meets Department standards.
9. Shall properly discharge their duties at an Official Vehicle Inspection Station and will, at all times, have a Rules and Regulations Manual immediately available for reference.
10. In performing the inspection, the inspectors will remember they assume full responsibility for the quality of the inspection when signing the safety inspection certificate or identification certificate and placing their name on the inspection station report.
11. In completing the reverse side of the inspection certificate and the station weekly report book an inspector's signature is required and cannot be printed.
12. Will always remember they have been certified because they have demonstrated their knowledge, ability, honesty, and integrity when performing safety inspections.
13. Be aware that any deviation from the established rules, regulations, and/or procedures committed by the certified inspector is a violation of the law or regulation.
14. Will refrain from the use of alcohol.
15. Will refrain from the use of drugs in any degree except when prescribed by a licensed physician, providing that normal faculties shall not be impaired.
16. Will make inspections within a reasonable length of time after the vehicle is presented and the inspector will not cause undue delay to the vehicle operator. When an inspection cannot be performed immediately for a justified reason, a proper explanation will be given to the customer as to the reason for the delay in a courteous manner.
17. Will notify the Department representative immediately if driver's license has been suspended or revoked.
18. Will conduct all inspections and affix all inspection certificates at the time of inspection in the approved inspection area of the inspection station location designated on the Certificate of Appointment, with the exception of the road test.
19. Shall always obtain authorization from the vehicle owner or operator prior to making any repairs or adjustments.
20. Will not delegate responsibility of the proper and thorough inspection to any other person.
21. Shall have complete control of the vehicle to be tested during the entire test procedure.
22. Shall maintain a clean and orderly appearance and be courteous and patient in contacts with the public.

23. Will make an actual physical check of vehicle identification numbers paying particular attention to make sure the number is accurate in all cases on both safety inspection certificates and identification certificates.

02.15.00 CRIMINAL VIOLATIONS

All bona fide complaints received by the Department about any inspection station shall be investigated for the purpose of determining whether there has been a violation of the Transportation Code or regulations.

Appropriate action will be taken when it appears from any investigation that the Transportation Code or any regulation included herein has been violated by an inspection station or its agents or employees.

The Transportation Code states that it is a violation of the law or Rules and Regulations to commit any of the following acts:

1. Issuing an inspection certificate with knowledge that the issuance is in violation of this chapter or rules adopted under this chapter.
2. Falsely or fraudulently representing to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection.
3. Misrepresenting:
 - a. material information in an application in violation of Section 548.402 or 548.403; or
 - b. information filed with the department under this chapter or as required by department rule;
4. Issuing an inspection certificate:
 - a. without authorization to issue the certificate; or
 - b. without inspecting the vehicle;
5. Issuing an inspection certificate for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;
6. Knowingly issuing an inspection certificate:
 - a. for a vehicle without conducting an inspection of each item required to be inspected; or
 - b. for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;
7. Refusing to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment or correction;
8. Charging for an inspection an amount greater than the authorized fee; or
9. Performing an act prohibited by or fails to perform an act required by this chapter or a rule adopted under this chapter.

Unless otherwise prescribed by law, the offense is a Class C misdemeanor. A designated representative of the department may issue a notice of an offense or a notice to appear to a person, including an inspector or inspection station, who violates this chapter or a rule adopted under this chapter.